

jurisdiction may not be remanded for discretionary reasons not authorized by the controlling statute. Thermatron Products, 96 S.Ct., at 590 n. 9.

Having considered such motion and it appearing to this court that it no longer has original jurisdiction over this matter inasmuch as the Eastern Band of Cherokee Indians, *eo nomine*, the United States of America, has been dismissed, and that counsel for the remaining defendant has informed the court that it does not object to the proposed remand, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion to Remand (#8) is **GRANTED**.

IN ACCORDANCE with 28, United States Code, Section 1447(c), this action is **REMANDED** to the North Carolina General Court of Justice, Superior Court Division, Haywood County, for disposition.

THE CLERK OF THIS COURT is respectfully instructed to certify a copy of this Order and the pleadings in this matter to the Superior Court and to **NOT** withhold the execution of this Order for 10 days, inasmuch as all parties have no objection to remand.

Signed: June 8, 2006



Dennis L. Howell
United States Magistrate Judge

